REMARKS

The amendment is being submitted in connection with a request for continued examination (RCE). In this amendment, Applicants amend the claims to remove the recitation of "balloon-expandable" from the claims and retract the distinction made based upon self-expanding versus balloon-expandable stents. Applicants concede that Mayer discloses and claims a filament structure that can be used in both balloon-expandable stents and self-expanding stents. Claims 1, 3, 6-8, 26-28, and 32-38 remain pending, with claims 1 and 32 in independent form.

The undersigned thanks Examiner Dawson for the courtesies extended during the telephonic interview on January 22, 2008. No agreement was reached.

In the Final Office Action, the Examiner rejected claims 1, 3, 6, 8, 32, 33, and 35 under 35 U.S.C. § 102(b) as being anticipated by Mayer. This rejection is improper because both independent claims 1 and 32 recite "a body having a generally tubular shape," and "the body consisting essentially of an alloy comprising tungsten and rhenium." The Mayer device does not have a body having a generally tubular shape that consists essentially of an alloy comprising tungsten and rhenium, as claimed.

Mayer, instead, discloses a composite filament such as that shown in Figs. 4, 11, 13, and 14 (reproduced below). Each filament includes at least a core (e.g., 24, 76, 82, or 90) and a casing (e.g., 26, 78, 84, or 92).

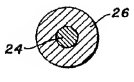


FIG.4

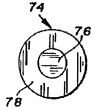


FIG.11

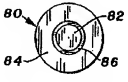


FIG.13

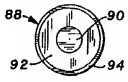


FIG.14

Mayer does not disclose that these filaments consist essentially of an alloy comprising tungsten and rhenium, as claimed. Instead, Mayer only discloses that, in some embodiments, the

core can be "a tungsten-based alloy including rhenium at 5-40 weight percent." Mayer, col. 11, lines 55-58. Mayer does not disclose a filament where both the core and the casing are made of an alloy comprising tungsten and rhenium. Accordingly, the filaments of Mayer cannot be properly construed to be a "body consisting essentially of an alloy comprising tungsten and rhenium," as claimed.

The Examiner, however, takes the position that merely the core 24 can be construed as being the claimed "body consisting essentially of an alloy comprising tungsten and rhenium." It is improper to construe just the core 24 as being the body. The core *alone* is not woven into a generally tubular shape. Accordingly, the rejection is improper.

Although the filament of Mayer, which includes at least both the core and the casing, can be woven into a tubular stent as shown in Fig. 1 of Mayer (reproduced below), the tubular stent of Mayer cannot constitute a "body consisting essentially of an alloy comprising tungsten and rhenium," as claimed, because it also includes a casing that is not made of an alloy that comprises tungsten and rhenium.

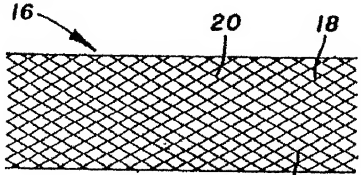


FIG. 1

The claims require both that the body consists "essentially of an alloy comprising tungsten and rhenium" and that the body has "a generally tubular shape." It is inconsistent to allege that the core alone can be construed as being the body and then argue that the woven filament, which includes both the core and the casing, forms a tubular shape. *See* Office Action mailed August 14, 2007, page 4. Mayer does not disclose or suggest the weaving of a core *alone* into a tubular stent. Accordingly, the rejection of independent claims 1 and 32 over Mayer is improper and should be withdrawn.

The Examiner also rejected claims 7, 26-28, 34, and 36-38 under 35 U.S.C. § 103(a) as being unpatentable over Mayer in view of U.S. Pat. No. 5,632,840 to Campbell ("Campbell"). This rejection is also improper for the same reasons given above. Neither Campbell nor Mayer discloses or suggests a body having a generally tubular shape that consists essentially of an alloy comprising tungsten and rhenium. Furthermore, Campbell does not provide any disclosure that would give one having ordinary skill in the art a reason to use the alloy of the core 24 of Mayer to make a stent without the presence of the casing 26 of Mayer. Accordingly, the rejection of claims 7, 26-28, 34, and 36-38 under 35 U.S.C. § 103(a) as unpatentable over Mayer in view of Campbell must also be withdrawn.

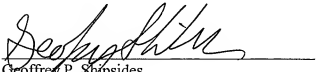
Accordingly, each of the pending claims (as amended) defines patentable subject matter over the cited prior art. As such, Applicants request that the Examiner allow all pending claims 1, 3, 6-8, 26-28, and 32-38.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue, or comment does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 4/10/2008



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